

March 29, 1956

Attorney General

Ida E. Harvey OAA
Newport

James J. Barry, Commissioner
Department of Public Welfare
State House Annex
Concord, New Hampshire

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CONCORD, N.H.

Dear Mr. Barry:

This is in response to your request of February 29 for our opinion as to whether a prosecution of a legally liable relative is possible under the Uniform Reciprocal Enforcement of Support Act when the relative in question resides in a state where no responsibility is imposed upon said relative for the support of the person receiving assistance.

RSA 546:7, which appears applicable to this situation provides as follows:

"Duties of support applicable under this chapter are those imposed or imposable under the laws of any state where the obligor was present during the period for which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown."

You will note that this section requires that the duty of support contemplated by the statute must arise by virtue of the law of the state where the responsible relative is living.

No proceedings under the Act can be taken in this situation.

Very truly yours,

Elmer T. Bourque
Assistant Attorney General

ETB:W